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In re Application of :  
BROWN, Jason, Peter : DECISION ON PETITION  
U.S. Application No.: 10/511,515 :  
PCT No.: PCT/GB03/01650 :  
International Filing Date: 16 April 2003 :  
Priority Date: 17 April 2002 :  
Atty Docket No.: 376956-003US (368532) :  
For: METHODS FOR PRODCING :  
IMMORTALISED ANTIBODIES- :  
SECRETING CELLS :  
:

This decision is issued in response to the "Petition Under 37 CFR 1.181(a) To Withdraw Holding Of Abandonment" filed 27 July 2006. No petition fee is required.

**BACKGROUND**

On 16 April 2003, applicant filed international application PCT/GB03/01650. The international application claimed a priority date of 17 April 2002, and it designated the United States. On 30 October 2003, the International Bureau (IB) communicated a copy of the international application to the United States Patent And Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 17 October 2004.

On 15 October 2004, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 17 October 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497, the surcharge for filing the oath or declaration later than thirty months after the priority date, and sequence listing materials.

On 11 July 2006, the DO/EO/US mailed a Notification Of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to respond to the Notification Of Missing Requirements.

On 27 July 2006, applicant filed the "Petition Under 37 CFR 1.181(a) To Withdraw Holding Of Abandonment" considered herein. The petition asserts that the abandonment should be withdrawn based on the 19 December 2005 filing of a timely response to the Notification Of Missing Requirements. Attached to the petition is a copy of the materials filed on 19 December

2005 (including the executed declaration), as well as a copy of a return postcard that itemizes these materials and bears a USPTO receipt stamp dated 19 December 2005.

### **DISCUSSION**

Based on the statements in the present petition, the attached return postcard, and a review of the application file, it is confirmed that applicant filed a timely response to the Notification Of Missing Requirements on 19 December 2005. This response included an executed declaration, payment of the required surcharge, and sequence listing materials.

The Notification of Abandonment mailed 11 July 2006, based as it was on applicant's purported failure to file a timely response to the Notification Of Missing Requirements, is appropriately vacated. A review of the declaration attached to the petition confirms that the declaration is in compliance with 37 CFR 1.497.

### **CONCLUSION**

The petition to withdraw the holding of abandonment is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 11 July 2006 is hereby **VACATED**.

This application is being referred to the National Stage Processing Branch of the International Division for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 19 December 2005.



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